Discrimination never acceptable

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April 10, 2009 - 7:59PM

In case you haven't noticed, a legal drama of (possibly) Supreme Court proportions is brewing in our own backyard. Indeed, in the next few years our city may be ground zero for a decision from the formidable nine.

It all started last fall at UCCS when student body president David Williams sparked controversy by refusing to sign off on funding for a GLBT student group called Spectrum. The group responded by gathering the requisite number of student signatures to force a recall election which was cancelled at the last minute by Chancellor Pam Shockley-Zalabak on the vague grounds that the recall process "was not ratified by the branches of student government" (hard to believe, considering Spectrum has been gathering signatures since the fall).

Throughout this saga, these editorial pages have defended Williams' actions and his freedom to make the decision that he did. As a citizen advisory member of said editorial board, I respectfully disagree.

The Supreme Court has covered these specific issues with two rulings. In both of those rulings, it has unequivocally concluded that public universities and their agents (e.g. student governing bodies and elected representatives) must practice "viewpoint neutrality" when disbursing activity funds from a pool to which all students must contribute.

The first case involved the University of Virginia and a student publication that espoused religious views. The student government of UVA denied the publication funding from the University's Student Activity Fund on the grounds that the publication was a "religious activity." The court ruled that this was unconstitutional because it discriminated against the group purely because of its views. This, they said, was "viewpoint discrimination."

The second, more recent case draws even starker parallels. In 2000, students at the University of Wisconsin filed suit, arguing their First Amendment rights were violated by having to pay student fees that could potentially be allocated to clubs whose agenda and views they found personally offensive. The court ruled against them, saying such mandatory student fees were permissible, so long as they were used "to facilitate the free and open exchange of extracurricular student speech."

To protect the First Amendment rights of students, however, the Supreme Court added that the allocation of such funds must be done in a "viewpoint neutral" manner.

As Justice Anthony Kennedy eloquently remarked in his majority opinion, "When a university requires its students to pay fees to support the extracurricular speech of other students, all in the interest of open discussion, it may not prefer some viewpoints to others."

As I wrote in my last column on this subject, when Williams emphatically stated "I do not approve this proposal, and I will never support Spectrum or their agenda. I have personally seen what this message and lifestyle can do, and I want nothing to do with it," he was clearly

preferring some viewpoints to others.

The Gazette's editorial pages would probably say that these court decisions are irrelevant because Williams did not outright deny Spectrum funding; he merely refused to sign off on their request, which only resulted in a five-day delay of funding.

The problem with this argument is that it seems to conclude that some discrimination is permissible. It is not. Discrimination and bigotry in all forms are wrong. It doesn't matter if Spectrum's funding was delayed by five days or five minutes - the group was unfairly discriminated against purely because of its views, which Williams had a very personal issue with. This is in direct violation of the concept of "viewpoint neutrality" that the Supreme Court has outlined in the cases above (not to mention its contradiction to a little principle called equal treatment for all).

There are larger issues at play here. Williams' leadership provides a frightening glimpse into the mindset of my generation's leaders - the ones who will soon be carrying the proverbial political torch. There seems to be a trend in which elected officials increasingly see it as their duty to govern according to their "personal beliefs, views and convictions" (Williams' words, not mine), regardless of what that means for the rights of their constituents. Considering that my generation of emerging leaders has come of age within the Bush years, I guess this should come as no surprise.

But regardless of its cause, we should not condone it, as its far-reaching effects have unnerving implications for our government.

I'm not advocating for morally vacuous politicians. But our political leaders must distinguish between disagreeing and discriminating. Everyone has a right to the former; the problem occurs when it leads to the latter.

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